

**SUMMARIZED MINUTES  
SCOTTSDALE CITY COUNCIL  
TUESDAY, FEBRUARY 22, 2005**



**CITY HALL KIVA  
3939 N. DRINKWATER BOULEVARD  
SCOTTSDALE, AZ 85251**

**CALL TO ORDER**

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, February 22, 2005 in the Kiva, City Hall, at 5:07 P.M.

**ROLL CALL**

Present: Mayor Mary Manross  
Vice Mayor Betty Drake  
Council Members Wayne Ecton, W.J. "Jim" Lane,  
Robert Littlefield, Ron McCullagh, and Kevin Osterman

Also Present: City Manager Jan Dolan  
Deputy City Attorney Donna Bronski  
City Clerk Carolyn Jagger

**PLEDGE OF ALLEGIANCE**

Councilman Lane

**INVOCATION**

Pastor Phil Norton, Associate Pastor of Scottsdale Unified Methodist Church

**PRESENTATIONS/INFORMATION UPDATES**

- Thunderbirds Presentation of Funding for New Teen Center (\$100,000) and Proclamation
- Center for the Future of Arizona Vision Statement, Dr. Lattie Coor (This item will be placed on a future agenda for endorsement by the Council)

**PUBLIC COMMENT**

**Roland Kueffner**, 6207 N. Cattletrack, 85250, expressed to the Council his belief that he and other neighbors were misled during discussions of the water tanks for the arsenic removal project, and his desire to have this item revisited.

NOTE IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

**Mike Merrill**, 8713 E. Vernon, 85257, presented photos of code violations that he had previously submitted to the city, but which had not yet been corrected. He believed the code enforcement department was understaffed and asked Council to consider hiring three more code enforcement officers.

**Mike Aloisi**, 6846 N. 72<sup>nd</sup> Place, 85250, complimented the Mayor on the State of the City speech last week. He further requested the city provide a program for families of law enforcement officers killed in the line of duty.

**C. Kimball Rose**, 6419 E. Windsor, 85257, presented a petition (copy attached) from citizens of the Highview area requesting no median cuts on 64<sup>th</sup> Street south of Thomas.

**Nan Nesvig**, 6144 N. 77<sup>th</sup> Place, 85250, felt inaccurate information had been presented to the Council regarding the arsenic treatment facility as no east site-line study had been done. She urged the Council to put pressure on the water company to bury the tanks.

## MINUTES

SPECIAL MEETINGS  
February 8, 2005

REGULAR MEETINGS  
January 25, 2005  
February 8, 2005

WORK STUDY SESSIONS  
February 1, 2005

COUNCILMAN MCCULLAGH MOVED FOR APPROVAL OF THE SPECIAL AND REGULAR MEETING MINUTES OF FEBRUARY 8, 2005, THE REGULAR MEETING MINUTES OF JANUARY 25, AND THE WORK STUDY SESSION MINUTES OF FEBRUARY 1, 2005. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

## CONSENT AGENDA      ITEMS 1 - 19

### 1.      **Vine Tavern & Eatery (Restaurant) Liquor License**

**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location that has changed ownership and is operating on an interim permit.

**Location:** 2323 N. Scottsdale Road

**Reference:** 97-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

### 2.      **Twins Mini Mart (Beer and Wine Store) Liquor License**

**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for an existing location that has changed ownership and previously operated as Jack's Convenient Store.

**Location:** 2931 N. 68th Street

**Reference:** 98-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

- 3. Hilton Garden Inn Scottsdale North/Perimeter Center (Hotel/Motel) Liquor License Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 11 (hotel/motel) liquor license for a new location opening in March.  
**Location:** 8550 E. Princess Drive  
**Reference:** 1-LL-2005  
**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
- 4. Arcadia Fine Wine (Beer and Wine Store) Liquor License Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 10 (beer and wine store) liquor license for an existing location that has changed ownership.  
**Location:** 4251 N. Brown Avenue, #9  
**Reference:** 3-LL-2005  
**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
- 5. Bada Boom Pasta Room Extension of Premises Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises to increase the indoor dining area into adjacent space.  
**Location:** 4151 N. Marshall Way  
**Reference:** 1-EX-2005  
**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
- 6. DC Ranch Canyon 5 - Parcels 5.4/5.5/5.6/5.7 Request:** Consider final plat approval within DC Ranch Canyon 5 for 24 Single Family Residential Lots (Parcels 5.4, 5.5, 5.6 and 5.7) on 191.93+/- acres.  
**Location:** 10561 E. Horseshoe Canyon Drive  
**Reference:** 19-PP-2004  
**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
- 7. Hacienda D Mexico Office/Warehouse Conditional Use Permit Request:** Consider a conditional use permit for furniture manufacturing and refinishing on a 1+/- acre parcel located at 16098 N. 80th Street with Industrial Park (I-1) zoning.  
**Location:** 16098 N. 80th Street  
**Reference:** 30-UP-2004  
**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**8. DC Ranch Park Community Center Conditional Use Permit**

**Request:** Consider a conditional use permit for community buildings and recreational facilities not publicly owned (a community center) on a 3.5 +/- acre parcel located on the south side of Union Hills Drive between Reata Wash and Thompson Peak Parkway with Single Family Residential District, Planned Community District (R1-7 PCD) zoning.

**Location:** 98th Street and Union Hills Drive

**Reference:** 34-UP-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**9. Construction Bid Award for City Hall Electric Service Replacement and North Corporation Yard Uninterrupted Power Supply**

**Request:** Authorize Construction Bid Award No. 05PB035 to Northern Arizona Systems Corporation, the lowest responsive bidder, at their lump sum bid of \$169,696.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov)

**10. Construction Bid Award and Acquisition of Right-of-Ways for the West Leg Water Transmission Main**

**Requests:**

1. Authorize construction Bid Award No. 05PB026 for the West Leg Water Transmission Main and Intelligent Transportation System (ITS) improvements between the CAP Water Treatment Plant, located at the northwest corner of Pima Road and Union Hills Drive, and Pump Station #42, located at the northwest corner of Pima Road and Jomax Road, to Barnard Construction Company, Inc., the lowest responsive bidder, at their unit price bid of \$25,424,251.
2. Adopt Resolution No. 6639 which authorizes the acquisition of 25 feet of road right-of-way (ROW) along the east side of Scottsdale Road between Happy Valley Road and Jomax Road from the Arizona State Land Department and establishes a Not to Exceed Amount of \$1,100,000; and authorizes the acquisition of a water and sewer easement along the WAPA Power Corridor between the CAP Water Treatment Plant and Deer Valley Road from the Arizona State Land Department and establishes a Not to Exceed Amount of \$400,000.

**Related Policies, References:**

- 2001 Water Resources Master Plan, approved by City Council on October 15, 2001.
- Engineering Services Contract No. 2002-139-COS with Narasimhan
- Consulting Services for conceptual design of arsenic treatment facilities and associated pipelines, approved by City Council on November 18, 2002.
- Engineering Services Contract No. 2004-016-COS with Valentine
- Environmental Engineers, LLC for final design of pipelines associated with the Arsenic Mitigation Program.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov)

**11. Concession License Agreement for a Coffee Cart in Mustang Library**

**Request:** Adopt Resolution No. 6629 authorizing Agreement No. 2005-022-COS with Shots on Goal, LLC to install and operate a coffee cart concession in Mustang Library at 10101 N. 90th Street.

**Related Policies, References:** Section 2-221(a) of the Scottsdale Revised Code allows licensing and leasing City real-property interests by means of a competitive bid process.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov);

**12. License Agreement for Outdoor Dining Restaurant**

**Request:** Adopt Resolution No. 6579 authorizing Agreement No. 2005-003-COS with Salty Senorita, LLC, an Arizona limited liability company to use approximately 800 square feet of the City of Scottsdale street right-of-way at 3636 North Scottsdale Road for outdoor dining at the adjacent restaurant property.

**Related Policies, References:**

- Section 2-221(b)(5) of the Scottsdale Revised Code allows the sale of City real property interests, including licenses, directly to adjoining property owners.
- Resolution No. 4998 was adopted February 29, 2002, authorizing a license with Wildchild Investments to operate outdoor dining within City right-of-way at 4310 North Brown Avenue. This license also served to establish evaluation criteria for outdoor dining use of public right-of-way.
- Resolution No. 6433 was adopted January 20, 2004, authorizing a license with J.E. Southwest Group, LLC at 4245 North Craftsmans Court for outdoor dining within public street right-of-way. This license is in conjunction with completion of the Craftsmans Court parking structure.
- Resolution No. 6545 was adopted August 30, 2004, authorizing a license with Trilogistics Corporation at 4151 N. Marshall Way for outdoor dining within public street right-of-way.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov)

**13. Lease Agreement for a Wireless Antenna Facility at Pump Station 42**

**Request:** Adopt Resolution No. 6628 authorizing Agreement No. 2005-021-COS with Verizon Wireless (VAW) LLC dba Verizon Wireless, a Delaware limited liability company, to install and operate a wireless antenna facility at the Water Resources Reservoir and Pump Station 42, 22602 North Pima Road (NWC of Pima and Jomax).

**Related Policies, References:** Section 2-221(a) of the Scottsdale Revised Code allows the leasing of City real-property by means of a competitive bid process.

**Staff Contact:** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov)

**14. Professional Services Contract to Prepare City of Scottsdale Certification Acceptance Plan**

**Request:** Consider award of professional services contract number 2005-024-COS for preparing the City of Scottsdale Certification Acceptance Plan related to federal funding to Danelowitz and Associates, Inc., for \$33,641.40.

**Staff Contact(s):** Mary O'Connor, Transportation General Manager, 480-312-2334, [moconnor@scottsdaleaz.gov](mailto:moconnor@scottsdaleaz.gov)

**15. Intergovernmental Agreement with the Arizona State Library, Archives, and Public Records for Microfilm Scanning Services**

**Requests:**

1. Adopt Resolution No. 6632 authorizing Intergovernmental Agreement (IGA) No. 2005-026-COS with the Arizona State Library, Archives, and Public Records (State Library) for microfilm scanning services to convert active and historic City records stored on microfilm to digital images.
2. Authorize the expenditure of City funds to pay the State Library for microfilm scanning services at the rates listed in the IGA.

**Staff Contact(s):** Carolyn Jagger, City Clerk, 480-312-2411, [cjagger@scottsdaleaz.gov](mailto:cjagger@scottsdaleaz.gov); Jerry Mallory, City Records Manager, 480-312-2413, [jmallory@scottsdaleaz.gov](mailto:jmallory@scottsdaleaz.gov)

**16. An Intergovernmental Agreement and Legal Services Contract Related to *CAWCD v. U.S., et al.* and Settlement of the Gila River Indian Community Water Rights Claims**

**Request:** Adopt Resolution No. 6625 authorizing the Mayor to execute (a) Ninth Intergovernmental Agreement No. 2003-108A-COS, an agreement among the cities of Scottsdale, Chandler, Glendale, Goodyear, Mesa, and Peoria; and (b) Contract for Legal Services No. 2003-109A-COS among the aforementioned cities and the law firm of Engelman Berger, P.C., both relating to joint legal representation in settlement activities related to the *CAWCD v. U.S., et al.* litigation and the related settlement of the Gila River Indian Community ("GRIC") water rights claims.

**Staff Contact(s):** Joseph R. Bertoldo, City Attorney, 480-312-2405, [jbertoldo@scottsdaleaz.gov](mailto:jbertoldo@scottsdaleaz.gov)

**17. Renewal of Legal Services Contract in Connection with *City of Scottsdale v. Edmunds-Toll Construction Company***

**Request:** Adopt Resolution No. 6633 authorizing the Mayor to execute Contract No. 2004-035A-COS, an outside counsel contract in a maximum amount of Five Hundred Thousand Dollars (\$500,000.00), with the law firm of AYERS & BROWN, P.C. for legal services regarding representation of the City of Scottsdale in *City of Scottsdale v. Edmunds-Toll Construction Company*, CV2004-001025, a condemnation action brought to acquire property for the McDowell Sonoran Preserve gateway.

**Related Policies, References:** Resolution No. 6484

**Staff Contact(s):** Joseph R. Bertoldo, City Attorney, 480-312-2405, [jbertoldo@scottsdaleaz.gov](mailto:jbertoldo@scottsdaleaz.gov)

The Deputy City Attorney clarified these monies will come from the preserve sales tax funds, and will cover the initial exchange of experts, reports, appraisers, etc. during the discovery phase of litigation through September. A condemnation trial should occur in either late 2005 or early 2006.

**18. Construction Bid Award for Replacement Lighting System at Supai Middle School**

**Request:** Authorize Construction Bid Award No. 05PB096 to Kimbrell Electric, the lowest responsive bidder, at the lump sum bid of \$246,385.

**Related Policies, References:**

- Resolution No. 6351 and Intergovernmental Agreement #2003-120-COS, approved August 25, 2003 between the City of Scottsdale and the Scottsdale Unified School District No. 48, which allows City staff and contractors access to certain district fields and scheduling of those fields during non-school hours.
- Resolution No. 5525 and Intergovernmental Agreement #2000-043-COS, approved April 30, 2001 between the City of Scottsdale and the Scottsdale Unified School District No. 48, which authorized shared facility uses between the City of Scottsdale and the Scottsdale Unified School District No. 48.
- Contract and Statement of Work Agreement with CR Engineers signed March 7, 2002.

**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov)

**19. Application for Arizona Heritage Grant for the Indian School Park Lighting Project**

**Request:** Adopt Resolution No. 6622, approving the grant application for Arizona Heritage Funds; accepting funding should the application be successful for the development of new sports field lighting on two baseball fields at Indian School Park; and increasing the construction budget by the grant amount.

**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov)

**MOTION AND VOTE – CONSENT AGENDA**

COUNCILMAN LITTLEFIELD MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 1 THROUGH 19. COUNCILMAN ECTON SECONDED THE MOTION WHICH CARRIED 7-0.

**REGULAR AGENDA      ITEM 20**

**20. The Legends At Toscana Rezoning**

**Requests:**

1. Rezone from Single Family Residential District (R1-35) to Single Family Residential District Planned Residential District (R1-10 PRD) with amended development standards on a 10 +/- acre parcel located at 12855 N. 94th Street (Southeast corner of Sweetwater Avenue and 94th Street).
2. Adopt Ordinance No. 3595 affirming the above rezoning and amended development standards.

**Location:** 12855 N. 94th Street

**Reference:** 16-ZN-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

Mayor Manross suggested that since the Council would be studying GLO easements during the next week's Work Study Session, this item should be continued to the following week. The attorney for this applicant agreed to the continuance.

Mayor Manross opened public testimony.

**Leon Spiro**, 7814 E. Oberlin Way, 85262, felt the legal issues surrounding these two five-acre GLO parcels should have been addressed previously. He had no objection to the upzoning, but felt the city should get a legal opinion on private property rights.

Mayor Manross closed public testimony.

**MOTION AND VOTE – ITEM 20**

VICE MAYOR DRAKE MOVED TO CONTINUE CASE 16-ZN-2004 TO MARCH 8, 2005.  
COUNCILMAN LANE SECONDED THE MOTION, WHICH CARRIED 7-0.

**PUBLIC COMMENT**

**Leon Spiro**, 7814 E. Oberlin Way, 85262, noted that the agenda for the Work Study Session on March 1, 2005 indicated the Council would study the GLO roadway easement abandonment issues in north Scottsdale, and he felt the study should include the entire city. He also urged the Council to do the responsible thing and hire a legal expert.

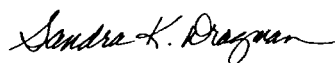
**CITY MANAGER'S REPORT** - None

**MAYOR AND COUNCIL ITEMS** - None

**ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 5:59 P.M.

**SUBMITTED BY:**



**Sandy Dragman**  
Recording Secretary

**REVIEWED BY:**



**Carolyn Jagger**  
City Clerk

Officially approved by the City Council on March 8, 2005

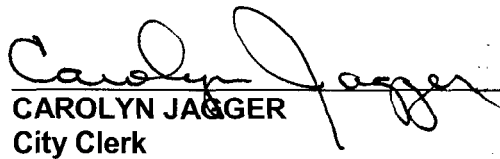


### **CERTIFICATE**

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 22<sup>nd</sup> day of February 2005.

I further certify that the meeting was duly called and held, and that a quorum was present.

**DATED** this 9th day of March 2005.

  
CAROLYN JAGGER  
City Clerk

OFFICE OF THE  
CITY CLERK

PETITION

FEB FEB 22 PM 4:57

We the undersigned residents of the Hy-View area wish to go on record protesting any cut in the median on 64th Street South of Thomas, as we believe it will create a very dangerous traffic situation for everyone using 64th Street going North or South.

DATE

NAME

ADDRESS

PHONE

|          |                      |                      |              |
|----------|----------------------|----------------------|--------------|
| 2/24/05  | Nancy Bell           | 6401 E Windsor       | 480 949-1007 |
| 2-20-05  | Sharon Rottenberg    | 6444 E. Sheridan     | 480 946-2684 |
| 02/20/05 | Janet Rottenberg     | 6444 E. Sheridan St. | 480-946-2684 |
| 02/24/05 | Ernst A. M.          | 6413 E Windsor Ave   | 480-990-0871 |
| 2/20/05  | Connelly A. Highland | 6407 E. Windsor Ave. | 480-998-7739 |
| 2/28/05  | Larry D. Henderson   | 6701 N. Joshua Ave   | 602 3767185  |
| 2-20-05  | Betty Richards       | 6402 E. Windsor      | 480-945-3590 |
| 2/20/05  | Mark T. Richards     | 6402 E WINDSOR AVE   | 480-945-3590 |
| 2/20/05  | Cathy J. Winter      | 6420 E Windsor Ave   | 480-250-6976 |
| 2/20/05  | Carolyn A. Winter    | 6420 E Windsor Ave   | 480-250-8767 |
| 2/20/05  | Janet Hoff           | 2825 N. 66th St.     | 480-247-8264 |
| 2/20/05  | Laura Bign           | 2825 N. 66th St.     | 480-247-8264 |
| 2/20/05  | Lyndia Perrent       | 2737 N. 66th St.     | 480-947-0200 |
| 2/20/05  | Sharon Rottenberg    | 6408 E WINDSOR       |              |
| 2/21/05  | Kimball Rose         | 6419 E Windsor       | 480 947-0139 |
| 2/21/05  | Carol Ann Rose       | 6419 E. Windsor Ave. | 480-947-0139 |